

ANIMAL LAW SECTION

Respectfully submits the following position on:

HB 5670

The Animal Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Animal Law Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Animal Law Section is 194.

The position was adopted after an electronic discussion and vote. The number of members in the decision-making body is 16. The number who voted in favor to this position was 12. The number who voted opposed to this position was 0.

Report on Public Policy Position**Name of Section:**

Animal Law Section

Contact person:

Ann M. Griffin

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[HB 5670](#) (Kosowski) Crimes; animals; penalties for person engaged in cruel treatment of companion animal in presence of a child; provide for. Amends [1931 PA 328](#) (MCL [750.1](#) - [750.568](#)) by adding sec. 141b.

Date position was adopted:

September 17, 2016

Process used to take the ideological position:

Position adopted after an electronic discussion and vote

Number of members in the decision-making body:

16

Number who voted in favor and opposed to the position:

12 Voted for position

0 Voted against position

0 Abstained from vote

4 Did not vote (absent)

Position:

Support

Explanation of the position, including any recommended amendments:

The Animal Law Section of the State Bar of Michigan supports HB 5670 and thanks Rep. Kosowski for introducing this important legislation. As amended, this bill would enhance the penalties for violating anticruelty laws in the presence of a minor child. This would be an important enhancement to Michigan's current anticruelty legislation.

The Animal Law Section supports this bill as amended because it would increase the criminal penalty for animal neglect in front of a minor child by modifying MCL 750.50. Because of the potential for harm to both children and animals in such situations, an increased penalty is legally appropriate and necessary. The Section would also support a modification of MCL 750.50b to create increased criminal penalties in a situation where animal abuse is perpetrated in a minor child's presence.

Both animal neglect and animal abuse committed in a child's presence can have a harmful effect on that child, as one resource describes:

A most interesting piece of research brought to light in [a new book entitled *The Link Between Animal Abuse and Human Violence*] is the domino effect of animal abuse and cruelty. It starts when we, as adults, disrespect, neglect, abuse or harm an animal. By doing so, we are unknowingly guiding children onto a slippery slope that can ultimately affect their mental health. The process begins with desensitization or loss of feeling, whereby children become able to witness the neglect, hurting, harming or killing of an animal and yet remain indifferent. The second step is when children become accustomed to the pain and suffering they witness, and become habituated. Habituation to neglect and cruelty means that it has become a routine part of their lives. Importantly, desensitization directly opposes the crucial development in early childhood of empathy.,.,.[L]ack of empathy leads to dehumanization because it stunts children's emotional development so that their potential as emotionally mature adults is not [r]ealized.

Hurt an Animal, Hurt a Child, Occupy for Animals!, <http://www.occupyforanimals.net/hurt-an-animal-hurt-a-child.html> (last visited September 19, 2016).

Studies have shown that abusers often use animals to control or punish their human victims. Several such studies were documented in an article in *Colorado Lawyer*, in which the author stated:

When an abuser threatens, abuses, or kills an animal, several messages are being relayed to the human victim. The abuse, or even the threat to abuse the animal, displays the domination and control the abuser has over the victim. For example, following through on threats to injure or kill an animal shows the victim that the abuser is willing to kill an animal and that he may also kill the victim. Not only can abuse of the pet be used to manipulate or coerce a partner or child into compliance with the abuser's wishes, it also can be used to frighten, intimidate, punish, or retaliate against a partner or child. Additionally, if the animal is the victim's only source of love and affection, killing or injuring the animal further isolates the victim from anyone or anything but the abuser.

Mellisa Trollinger, *The Link Among Animal Abuse, Child Abuse & Domestic Violence*, 30-SEP Colo. Law. 29, 30 (Sept. 2001) (<https://www.animallaw.info/article/link-among-animal-abuse-child-abuse-and-domestic-violence>).

The Animal Law Section supports HB 5670 as amended because it recognizes and addresses the considerable harm to people and animals that can result when Michigan's anticruelty laws are violated in a minor child's presence.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report. <http://legislature.mi.gov/doc.aspx?2016-HB-5670>

